

MINUTES OF THE
MAG MANAGEMENT COMMITTEE MEETING
March 6, 2002
MAG Office Building - Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Fred Carpenter, Wickenburg, Chairman
Kristin Greene for Scott Schrader, Avondale
Joe Blanton, Buckeye
Jon Pearson, Carefree
*Usama Abujbarah, Cave Creek
Donna Dreska, Chandler
Stuart Brackney, El Mirage
*Paul Nordin, Fountain Hills
Shane Dille, Gila Bend
*Urban Giff, Gila River Indian Community
George Pettit, Gilbert
Ed Beasley, Glendale
Stephen Cleveland, Goodyear
Tom Morales, Guadalupe
Horatio Skeete, Litchfield Park
Jim Huling for Mike Hutchinson, Mesa

Tom Martinsen, Paradise Valley
Terry Ellis, Peoria
Frank Fairbanks, Phoenix
Cynthia Seelhammer, Queen Creek
Jacob Moore for Bryan Meyers, Salt River
Pima-Maricopa Indian Community
Jan Dolan, Scottsdale
Bill Pupo, Surprise
Randy Gross for Will Manley, Tempe
Reyes Medrano for Ralph Velez, Tolleson
*Mark Fooks, Youngtown
Mary Lynn Tischer for Victor Mendez, ADOT
Tom Buick for David Smith, Maricopa County
Ken Driggs, RPTA
*+Curtis Shook, Apache Junction

*Those members neither present nor represented by proxy.

+ Non-voting

Participated by videoconference or telephone conference call.

1. Call to Order

The meeting was called to order by Chairman Fred Carpenter, Wickenburg, at 12:00 p.m.

2. Pledge of Allegiance

Tom Buick led the Pledge of Allegiance.

Chairman Carpenter stated that transit tickets were available following the meeting from the RPTA.

Chairman Carpenter stated that for agenda item #11, Options for Determining Census Information, Including Conducting a 2005 Special Census, a memo was at each place.

3. Approval of February 13, 2002 Meeting Minutes

Chairman Carpenter asked members if there were any changes to the minutes. Hearing none, he asked for a motion to approve.

Shane Dille moved to approve the minutes of the February 13, 2002 meeting. Mary Lynn Tischer seconded, and the motion carried unanimously.

4. Call to the Audience

Chairman Carpenter stated that a timer was available to assist the public with their presentations. He noted that public comments have a three minute time limit. Chairman Carpenter stated that for members of the audience who wish to speak, cards are available from the staff who will bring it to the Chairman. Public comment is provided at the beginning of the meeting for non-agenda items. Public comments are limited to three minutes.

Chairman Carpenter recognized public comment from Blue Crowley, who stated that he appreciated receiving the Transportation Fair flyer, but it was not received in time for him to attend MAG at the Mall. Members should not consider agenda item #13 because it is poisoned fruit from a poisoned tree, because he was denied comment on this item at the Transportation Subcommittee meeting. Mr. Crowley stated that he has put in a request many times to speak on agenda item #14, but it has not been heard because action was not being taken. Mr. Crowley stated that he would work with staff to provide certain sections of the open meeting law to the committee. He stated that the open meeting law was violated when Mr. Smith told Chairman Hawker at the Transportation Subcommittee meeting that public comment could be taken at the discretion of the chair. Mr. Crowley stated that the open meeting says the public should be heard. Chairman Carpenter thanked Mr. Crowley for his comments.

5. Executive Director's Report

James M. Bourey stated that every three years, MAG goes through a federal certification process of the MAG Transportation Planning Program. Mr. Bourey explained that MAG recently received notice of certification. He expressed his appreciation to Dennis Mittelstedt and FHWA staff for their assistance in the certification process.

Mr. Bourey stated that members were informed last month on the error in calculating federal transportation appropriations for FY 2002. Mr. Bourey stated that the error has been corrected and the MAG region will receive \$12.5 million more than was initially shown.

Mr. Bourey stated that three workshops for the development of the Work Program were held in response to a request by the Regional Council. The workshops were held in Peoria, Chandler, and Phoenix. Mr. Bourey stated that approximately 15 to 20 people attended each of the workshops.

Mr. Bourey stated that a National Conference on Aging and Mobility is scheduled for March 25-27, 2002. He encouraged attendance at the conference, which is being sponsored by many organizations, and will have more than 45 speakers.

Mr. Bourey stated that the Council for Excellence in Government Fellows has indicated they will study MAG for a day. This group will also be speaking to the City of Phoenix and other organizations.

Mr. Bourey stated that the Desert Peaks Nomination form was at each place. Nominations are due March 29, 2002.

Mr. Bourey stated that the Innovations Group Transforming Local Government national conference will be held May 30 to June 1 in Tucson. He added that information is available on their website. Chairman Carpenter thanked Mr. Bourey for his report.

6. Approval of Consent Agenda

Chairman Carpenter stated that public comment is provided at the beginning of the meeting for action items on consent. Each speaker is provided with a total of three minutes to comment on the consent agenda. He stated that any member of the Committee may request that an item be removed from the consent agenda and considered individually. Hearing no discussion, Chairman Carpenter asked for a motion.

Mr. Dille moved to recommend approval of consent agenda item #7 and #8. Donna Dreska seconded, and the motion carried unanimously.

Stephen Cleveland asked for clarification that the Red Letter Notification was specifically related to the South Mountain Corridor and would not preclude right of way for other corridors. He stated that if this was correct, he would like the record to reflect this. Mr. Bourey explained that the Red Letter Notification process is a notification process only, for information and discussion, and would not restrict other corridors. Chris Voigt, MAG staff, provided an explanation of the Red Letter Notification process.

Ed Beasley commented for the record that the City of Glendale supports fully protecting the right of way for all planned controlled access highways including the South Mountain Parkway and Loop 303. Deferring action at this time to purchase one parcel which potentially encroaches on the South Mountain corridor should not be interpreted as a lack of commitment to fully protect the right of way for all planned freeways and expressways.

Chuck Eaton, ADOT staff, stated that the process requires that ADOT notify MAG committees of development in any corridor. The South Mountain Parkway was not originally part of the process, which was changed in 1996. Mr. Eaton noted that there has been reluctance to purchase more parcels along the South Mountain Parkway before completion of the EIS. He added that Loop 303 is not currently a part of the process.

7. Red Letter Notification

In June 1996, the Regional Council approved the ADOT Red Letter process, which requires MAG member agencies to notify ADOT of potential development activities in freeway alignments. Development activities include actions on plans, zoning, and permits. The Regional Council has allocated \$5 million per year through FY 2003 for advance acquisition requests where needed to prevent development in freeway alignments. ADOT has forwarded a list of notifications for calendar year 2001. Five properties are in or potentially in freeway right of way. The first item listed is for the Rio del Ray subdivision (60th Avenue and W. Broadway Road), which is in the South Mountain right of way. This property was noticed previously (July 1999) and is listed again as ADOT has now closed on the property for approximately \$2,092,250, using \$37,000 of advance acquisition funds. The second property, located at 44th Street and Winslow and in the Sky Harbor Expressway right of way, was acquired for \$625,000. The third property (Agritopia, NW corner of Ray and Higley Roads in Gilbert) is located in the Santan Freeway right of way, and was acquired by ADOT for \$3,785,905. These three FY 02 acquisitions totaled \$4,447,905. Two items in a letter from ADOT refer to potential acquisitions

in the South Mountain corridor on which they have not yet made a decision to act since the alignment of the new facility has not been finalized. The final South Mountain alignment depends on the results of the Design Concept and Environmental Impact Studies currently underway. The properties in question are the Foothills Subdivision (35th Avenue and Pecos Road) and Vineyard Estates Subdivision (59th Avenue and Southern). ADOT has also advised that there also appears to be development near 27th Avenue and Pecos Road that has not or not yet been noticed. They are reviewing this development and will include it in a future Red Letter notification as needed. For information, the ADOT Advance Acquisition policy allows the expenditure of funds to obtain right of way where needed to address hardship cases (residential only), forestall development (typical Red Letter case), respond to advantageous offers, or, with remaining funds, acquire properties in the construction sequence for which right of way acquisition has not already been funded. In FY 02, an additional approximate \$200,000 was expended by ADOT to acquire a property in the Santan right-of-way (Riggins Ranches, located on the north side of Willis Road, two thousand feet west of McQueen) as an "advantageous offer" and not as a Red Letter notification. A second advantageous offer for a property on the Red Mountain alignment (Baseline & Hawes, southwest corner, Jackson Properties) that has not yet been acquired is expected to cost in the neighborhood of \$300,000. Together, these two acquisitions bring total expenditures from the FY 02 Advance Acquisition funds to within approximately \$50,000 of the \$5 million cap.

8. Contract with Planning Technologies for Model Enhancements

The Management Committee, by consent, recommended contracting with Planning Technologies to provide socioeconomic model enhancements for an amount not to exceed \$50,000. The FY 2002 MAG Unified Planning Work Program and Annual Budget, approved by the Regional Council in May 2001, includes a work element to enhance the Subarea Allocation model that MAG uses for the preparation of socioeconomic projections. This custom model was developed for MAG by Planning Technologies. The enhancements to the model are needed to project construction employment by location of work, to provide internal calibration routines, to prepare an income category submodel and to perform dwelling unit aging within the model in preparation for the next round of socioeconomic projections.

9. Discussion of Federal Transportation Funding for FY 2002 to 2007

Eric Anderson stated that MAG has five sources for transportation funding: Federal, Regional Area Road Fund (RARF), Highway Users Revenue Fund (HURF), ADOT Five Year Construction Program, and local general funds and lottery funds. Mr. Anderson explained the three major federal funds that MAG programs. He stated that in FY 2001, MAG received about \$35 million in STP funds, of which \$34.1 million was allocated to the freeway program. Mr. Anderson stated that about \$34 million in CMAQ funds were allocated to MAG in 2001. He explained that the ADOT five year program receives about \$400 million per year in federal funds. MAG has been working with ADOT to increase the region's fair share of the funds, which will rise from about 21.5 percent in 2002 to 42.8 percent in 2006.

Mr. Anderson stated that Revenue Aligned Budget Authority, or RABA, was designed to automatically adjust federal transportation funding for changes in trust fund receipts. He noted that RABA increased annually in 2000, 2001, and 2002. However, the amount is negative \$4.4 billion for 2003, because tax receipts came in lower than projected for FY 2001. Mr. Anderson stated that there may be a reduction of \$8.5 billion in federal transportation funding in 2003,

compared to 2002. Mr. Anderson reviewed the potential impacts to the MAG region. He noted that the ADOT five year program reductions could total \$294 million, \$180 million of which would occur in FY 2003. Mr. Anderson mentioned pending legislation to increase ADOT's bonding capacity. The legislation gives the ability for ADOT to keep the current program intact. Mr. Anderson added that ADOT believes a portion of the cut may be restored by Congress, possibly as much as one-half. In addition, there are signs of economic recovery. Mr. Anderson commented that ADOT believes that the additional bonding capacity could tide the program over. The intent of ADOT would be to issue bonds only as required for the current program.

Mr. Anderson reviewed impacts to the MAG program. He summarized the status of MAG STP and CMAQ funds. He noted that reductions in STP would mostly come out of the regional freeway program. Mr. Anderson noted that CMAQ projects could be balanced because of the variance in moving projects around. Chairman Carpenter thanked Mr. Anderson for his report.

10. Regional Aviation System Plan Update and Discussion of Governor's Executive Order to Establish an Advisory Council on Aviation

Harry Wolfe provided an update on the MAG Regional Aviation System Plan and the establishment of the Governor's Aviation Advisory Council. Mr. Wolfe stated that the MAG Aviation Policy Committee has approved the update inventory and forecasts and is reviewing a draft demand/capacity analysis. Subsequently, the Update will evaluate alternatives to determine the most viable set of capital improvements and policies for the MAG region.

Mr. Wolfe reviewed forecasts of the RASP update on passenger boardings, privately owned aircraft, and takeoffs and landings. He stated that the demand/capacity analysis identified a need for additional commercial service capacity and additional general aviation airport capacity. Mr. Wolfe stated that the Working Paper is currently under review. Alternatives for meeting future demand are being defined with input from technical staff, the RASP Policy Committee, and the public.

Mr. Wolfe stated that on January 30, 2002, Governor Hull signed an Executive Order establishing a Governor's Advisory Council on Aviation for the purpose of developing strategies for improving the efficiency of Arizona's aviation system, enhancing land use and aviation planning and improving the working relationship and communication between state and local aviation entities and the federal agencies that have the primary responsibility for regulating aviation in this state. He noted that the Arizona Department of Transportation is currently working on a planning grant application to the Federal Aviation Administration in support of the Advisory Council's efforts. Mr. Wolfe expressed concern with a duplication of efforts. He noted that the Advisory Council will be looking at airspace congestion and airport/land use competition. Mr. Wolfe stated that ensuring the two studies do not reach conflicting findings is important.

Randy Gross asked if there would be duplicated efforts with the Phoenix Airspace Users Working Group (PAUWG). Mr. Wolfe replied that there is an advantage to the PAUWG, because it brings together all of the targeted groups into one place.

11. Options for Determining Census Information, Including Conducting a 2005 Special Census

Mr. Wolfe stated that at the February meeting, the Management Committee reviewed the pros and cons of conducting a 2005 Special Census or using an estimate. Members of the Committee requested additional information on the benefits and costs of conducting a special census and asked staff to make recommendations for improving the population estimates. Mr. Wolfe stated that a 1995 state law allowed for the use of estimates for distributing state-shared revenue, but this legislation had sunset. He added that the League is considering submitting a similar law the next legislative session. Mr. Wolfe stated that options include: continue using the 2000 census numbers, contract with the Census Bureau to conduct a 2005 Special Census, or pursue estimates if the law is changed. Mr. Wolfe reviewed factors for a community to consider whether a special census would be worthwhile.

Rita Walton stated that MAG staff developed five “what if” scenarios to reflect which jurisdictions might pursue a special census. Ms. Walton reviewed the assumptions used in the scenarios. The scenarios included: no one conducts a special census, only MAG members conduct a special census, places with greater than three percent growth conduct a special census, all MAG members and other jurisdictions with greater than three percent growth conduct a special census, and no one conducts a special census and estimates are used. Ms. Walton reviewed the scenarios using the City of Avondale as an example.

Mr. Wolfe explained the process used in 1995 by the City of Tucson, South Tucson, and unincorporated portions of Maricopa County, to conduct a survey and prepare an estimate. The survey produced five pieces of data, including resident population in households, persons in group quarters, total housing units, occupied housing units, and persons per occupied housing unit. Mr. Wolfe stated that the three jurisdictions were generally satisfied, but were concerned with the count in group quarters and the amount of money paid for a minimal amount of data.

Mr. Wolfe stated that if the MAG region were to conduct a survey and estimate similar to the one done by the Tucson area in 1995, the cost could be roughly estimated at \$7 to \$10 million. He emphasized that this was a very preliminary figure and he would bring back that another estimate after more research. Mr. Wolfe added that the Census Bureau has indicated that they may no longer offer staff to conduct surveys. He stated that work will continue with DES to enhance the estimates process, university representatives to gauge survey costs, the Census Bureau about the use of staff for surveys, member agency staff to review the enhancements to estimates, and research on the Tucson area experience.

Chairman Carpenter asked for clarification of the two percent underestimate for the MAG region. Ms. Walton replied that she simply used the assumption of underestimate in the MAG area and overestimate in all other areas, but the error might differ in the actual estimate.

Chairman Carpenter asked for clarification of a refund to member agencies that decide not to pursue the Special Census after assessment collection had begun. Dennis Smith stated that refunds would depend on the contract with the Census Bureau. He noted that at some point, a member agency may not be able to receive a full refund because the Census Bureau may have already incurred some costs.

Mr. Gross asked if there would be impacts to federal revenue we receive as a result of the Special Census. Mr. Bourey explained that federal revenue needs to be distributed equitably across the

entire country. Because of this, only figures from a nationwide census could be used. Mr. Gross asked if it would be acceptable for some to do a census and some to do an estimate. Mr. Wolfe replied that not all have to use the same process. A consistent process may be preferable, but some individual cities could contract with the Census Bureau to conduct a census.

Mr. Cleveland asked for clarification of the total cost of conducting the special census if all participate. Mr. Wolfe replied that the total estimated cost would be \$30 million. He explained that half of the special census may be funded by member agencies and half may be funded federally. Mr. Wolfe noted that Dennis Mittelstedt, FHWA staff, was present at the meeting to provide an update on this federal funding possibility. He stated that more research is needed on a more firm estimate so member agencies can make an informed judgment.

Tom Morales asked how it would be an advantage for those communities that would not gain population to conduct a special census? Ms. Walton replied that those communities could come out ahead by not pursuing a special census, only if all cities in the state did not do the same. She noted that this would be a slim possibility because those with higher growth rates will pursue a special census. Ms. Walton added that an agency may have to conduct a special census so as not to lose as much. Mr. Morales commented that his community may be able to make up for a previous undercount. Chairman Carpenter noted that in 1995, rural communities purposely did not conduct a special census because they realized they had lost population.

Dennis Mittelstedt stated that it is the responsibility of the FHWA to ensure that federal funds are being used for transportation. He added that having reliable data is important in MAG's work, but conducting a census can be expensive. Mr. Mittelstedt stated that the questions are: To what degree is it necessary and what benefits as a transportation community do we receive from conducting a special census? He stated that the MAG region receives more than \$3 million per year in transportation planning funds. A special census will cost \$15 to \$30 million, which is a large expenditure for the data received. Mr. Mittelstedt suggested that to the FHWA, 50 percent of the value would not be received from collecting the data. He added that the FHWA feels it would be worthwhile to investigate other alternatives. Mr. Mittelstedt stated that nationwide, few MPOs conduct mid-census counts. Most urban areas use various forms of estimation. Mr. Mittelstedt stated that there are reliable estimation models available. He stated that the FHWA has not concluded that they will pay for half the cost of conducting a special census.

Mr. Smith stated that the data obtained from the special census would be used in the projections for the development of the new Regional Transportation Plan and drives the decisions on the future of the transportation system. Mr. Smith noted that there is \$5 billion invested in each year of the MAG TIP, which makes it a \$20 billion investment for the 20-year Long Range Plan.

Mr. Cleveland stated that the question is whether the MAG region will have the correct population database to project future transportation demands. Mr. Cleveland applauded staff for their efforts on compiling the information presented and that the information will greatly assist in making a decision. He added that some will win, some will lose, but will the special census bring us a better outcome? Mr. Cleveland suggested that a smaller working group may be needed to provide additional conversation and bring back ideas to the next meeting.

Ms. Tischer expressed concern for the impacts of the cost for the special census on the regional freeway system.

Chairman Carpenter noted that the committee was not yet ready to take action at this time. He stated that after additional staff work, the committee would examine this issue at the next meeting.

Mr. Smith commented on options to lessen the impacts, by taking one year at a time. He mentioned that during the closeout process, the obligation authority could be changed from CMAQ to STP funding. Mr. Smith added that by going one year at a time, we may see the economy recover. Chairman Carpenter stated that the issue would need to be resolved soon. Mr. Bourey stated that to include a special census in the FY 2003 budget process, a decision would be needed by April, or May at the latest.

Chairman Carpenter recognized public comment from Blue Crowley, who stated that in the November 7, 2001 Regional Council minutes, he expressed that he would like to be counted. Mr. Crowley stated that this comment did not appear in the public input section of the summary transmittal. Mr. Crowley stated that he did not see where Maricopa County was a part of the numbers. Mr. Crowley stated that the "Economy" published by U of A, will not be published in April because of budget cuts, but if you want to see what they think of the population, read the current edition. Mr. Crowley stated that he wanted to be counted. Mr. Crowley stated that the next item should be taken off the agenda because it is not in compliance.

12. Broadcast Feasibility Study

Kelly Taft stated that on April 17, 2000, the MAG Executive Committee requested that MAG research the possibility of airing MAG Regional Council meetings on city-operated cable channels. The "Broadcast Feasibility Study" was incorporated into the Work Program and a Request for Qualifications was issued. Ms. Taft stated that Randy Murray Productions was selected as the consultant to conduct the study to determine the options for carrying Regional Council meetings on local cable channels, conducting research into staffing, equipment and implementation costs. Ms. Taft introduced the consultant, Randy Murray.

Mr. Murray stated that the study included surveys of mayors, city managers, city staff, and cable programmers to determine their ability and requirements for carrying MAG programming on local Channel 11s. Mr. Murray reviewed the findings of the MAG member agency survey, which included raising awareness of MAG and expanding participation by those who normally could not attend meetings. Mr. Murray noted that it was expressed that a high quality production would be necessary. He reviewed findings of the government cablecasters' survey. Their demographics showed that viewers tended to be older with a high level of education. Mr. Murray stated that the cablecasters expressed an overall willingness to carry MAG programming.

Mr. Murray reviewed the options for program styles and costs of broadcasts. He stated that the final recommendation determined from the study is to air a monthly, well crafted, 30-minute show that recaps the highlights of the Regional Council meeting and includes a short narrative to explain the issues, at a cost of \$8,700 per month.

Jim Huling stated that a lot has changed in the economic picture since April 2000. Given the present and scarce resources, the question is whether this expenditure would be the best use of money at this time? Mr. Huling moved to recommend to the Regional Council that action on developing the concept of producing a summary informational feature of the MAG Regional Council meeting be deferred for at least a year. Horatio Skeete seconded.

Chairman Carpenter called for questions. Ms. Tischer commented that action may preclude a monthly production, but might not necessarily preclude a broadcast on a particular issue, if desired by the Regional Council. Stuart Brackney expressed his agreement with Ms. Tischer's comment. Mr. Murray stated that the channel 11s are interested in MAG business, and are receptive to receiving information on any basis.

Chairman Carpenter asked if estimated costs were based on a monthly production. Mr. Murray stated that the estimated cost would also apply to single productions.

Mr. Beasley asked for clarification of needing a higher education-based audience to be successful. Mr. Murray replied that the demographics provided by the cablecasters of the people who watch channel 11s showed that their viewers are typically higher educated. Mr. Beasley expressed that he took issue with that finding being a premise for the success of the show. Mr. Bourey stated that the major findings resulted from a survey of a number of government cablecasters. He clarified that the intent was to identify the demographics, not to say those demographics were a requirement to be a successful show. Mr. Beasley suggested a format that would go beyond reaching the current viewer.

Donna Dreska commented that a packaged production did not seem in line with the Regional Council's intention for meeting broadcasts. She stated that she would not necessarily advocate deferring this.

Ms. Taft stated that the Regional Council could choose any of the options provided. The recommendation by Randy Murray Productions was based on the results of the surveys. Because of the length of the Regional Council meetings, it was felt that a show made up of the highlights of the meetings would adequately convey the message. Ms. Dreska expressed concern that the show will appear to be crafted and would not meet the purpose for which it was intended. Mr. Murray stated that the shows would not be crafted to appear deceptive. He stated that the meetings would get more air time if they were done as half hour shows. Mr. Bourey stated that the recommendations might need to be rephrased to reflect accuracy and not to give the impression of a scripted show.

Chairman Carpenter recognized public comment from Mr. Crowley, who stated that this was his first opportunity to comment on the Broadcast Feasibility Study. Mr. Crowley read from an open meeting law brochure about providing opportunities to maximize public input at public meetings. Mr. Crowley stated that his money is being spent and he should be able to comment. If you want to save money, take dinner away from the Regional Council. This would also impact Mr. Bourey because he would receive no free meals. Mr. Crowley stated that the broadcast would need to be gavel to gavel so all comment could be heard. The process needs to be open and provide access to the public, and not just those in high economic circumstances. Chairman Carpenter thanked Mr. Crowley for his comments.

Hearing no further discussion, Chairman Carpenter called for a vote on the motion, which passed, with Mr. Ellis and Mr. Beasley abstaining.

Mr. Ellis stated that the video on MAG shown last month was an excellent production. He offered to run the video on their channel 11.

13. Legislative Update

Dennis Smith stated that HB 2299 provides for a 20-year extension of the current one-half cent sales tax for transportation. The Regional Council voted to support this bill if modifications would be made for the distribution of the tax to be determined in the plan developed by MAG in cooperation with ADOT and RPTA. He noted that the bill is double assigned and chances of the bill going through are slim. Because of the budget situation, it is anticipated that a smaller amount of bills will make it through the legislative process.

Mr. Smith stated that HB 2585 deals with visibility in wilderness areas. He stated that Congress enacted the Clean Air Act which created a program for protecting visibility in wilderness areas and national parks. In 1990, Congress enacted the CAA Section 169B, which authorized Visibility Transport Commissions, including specifically the Grand Canyon Visibility Transport Commission. Mr. Smith stated that the Transport Commission issued a report in 1996 and a follow-on organization, the Western Region Air Partnership developed implementation strategies for several recommendations in the Grand Canyon report. He added that the Western Region Air Partnership has developed an "Annex" to the Regional Haze Rule to provide for a different approach to addressing haze referred to as the 309 approach. This approach may not require stationary sources to use Best Available Retrofit Technology (BART).

Mr. Smith stated that the current EPA approach to haze is referred to as the 308 rule, which requires stationary sources to use BART and provides a longer time period for submitting a plan. He stated that HB 2585 authorizes ADEQ to participate in regional interstate regional haze programs, and authorizes ADEQ to submit a plan using the 309 approach. Mr. Smith stated that California and Nevada have opted out of this approach. He added that the air quality modeling for the 309 approach will be done in California by the University of California Riverside.

Chairman Carpenter asked for clarification of the bill status. Mr. Smith stated that many interests are behind this bill to authorize the 309 approach.

Chairman Carpenter recognized public comment from Mr. Crowley, who stated that hearing this item was in violation of the open meeting law. He read from his open meeting brochure that business conducted at meetings in violation would be null and void. He commented that penalties for defrauding or denying the public access included removal from office. He stated that the open meeting law was violated when Chairman Hawker was advised by MAG staff at the Transportation Subcommittee meeting that public comment could be taken at the discretion of the chair. Mr. Crowley stated that he had requested that Mr. Bourey put a letter in the staff personnel file about this. Mr. Crowley held up the material included in the agenda packet and noted that the format did not include a public comment section. When he was not heard at the Transportation Subcommittee meeting that made this item null and void. Bringing the item up at this meeting makes you not in compliance.

14. MAG Governance Task Force Recommendations

Mr. Bourey stated that at the February 27, 2002 Regional Council meeting, the consensus of the Council was to refer the Executive Committee recommendations to the Management Committee for consideration. He explained that the proposed voting procedure option would be a modified weighted voting. Mr. Bourey stated that under the proposed new voting procedure, each member agency would receive one vote, and an additional vote would be provided for each increment in

population of 100,000. He noted that the total votes would be 57. Mr. Bourey added that this proposed structure is a diluted weighted vote. If the vote was a population weighted vote, Phoenix would have about 40 percent of the vote. Under the proposed structure, Phoenix would have approximately 25 percent of the vote. Mr. Bourey noted that the proposed voting structure may not have had much impact on votes taken in the past, but might have significant implications for the way business is conducted. He explained that currently, the larger member agencies account for approximately 94 percent of a weighted vote and smaller member agencies account for about 7 percent. Under this modification, the larger agencies would have about 63 percent and the smaller agencies would have about 37 percent of the vote.

Mr. Bourey noted that the proposed structure for the Executive Committee would be 11 members. The members would include Phoenix, ADOT, Maricopa County and eight members elected at-large using a nomination committee process. Mr. Bourey added that the goal would be to ensure balanced representation on the Committee both geographically and by size of jurisdiction.

Mr. Bourey stated that there are many variations and ways to proceed. Closure on these issues is needed.

Mr. Ellis commented that discussion on the Governance recommendations by a large group could be inconclusive. Mr. Ellis moved that a subcommittee, made up of City Managers from those member agencies who served on the Governance Task Force, be formed to discuss the Executive Committee membership, Executive Committee functions, and weighted voting recommendations, and come back to the Management Committee with specific recommendations at the April meeting. Those member agencies would include Goodyear, Surprise, Scottsdale, Paradise Valley, Glendale, Phoenix, Mesa, and Queen Creek. Mr. Cleveland seconded.

Mr. Bourey noted that would total eight people on the subcommittee, when 11 people served on the Task Force. Mr. Ellis stated that 11 may be too large a group and an eight member group may be more effective.

Chairman Carpenter recognized public comment from Mr. Crowley, who stated that he had tried to comment on this item in the past, but was not allowed because action was not being taken. He referred to the January 2002 Regional Council minutes that mention his request. Mr. Crowley stated that the Broadcast Feasibility Study went through approval as part of the Work Program without specific public input. He said to turn the job over to the County. Mr. Crowley commented that representatives change agencies and the changes are not reflected on lists. He stated that the job should be done right.

Chairman Carpenter polled the Managers for their availability to serve on the subcommittee. Mr. Huling mentioned that his city manager may have a conflict, and inquired whether a designate could serve. Mr. Ellis replied that the subcommittee should consist of managers or deputy managers.

Mr. Ellis amended his motion that the subcommittee should consist of the manager or deputy manager. Mr. Cleveland seconded, and the motion carried, with Ms. Tischer abstaining.

Jim Rumpeltes stated that Bill Pupo would serve. Chairman Carpenter stated that the subcommittee should meet as soon as possible in order to have their recommendations on the April 10, 2002 Management Committee agenda.

There being no further business, the meeting adjourned at 1:50 p.m.

Chairman

Secretary